

**September 17, 2001, MB#48**

Minutes  
Catawba County Board of Commissioners  
Regular Session, Monday, September 17, 2001, 7:00 p.m.

**Agreements/Contracts**

Agreement w/WPCOG for grant management assistance	89	09/17/01
Keisler Dairy Road Water Line Project, Revenue Sharing Contract with the City of Conover	90	09/17/01

**Bids**

Bid Awarded for the Construction of Little Road Water Line Project	86	09/17/01
2001 CDBG Infrastructure Water Hook-Up Demonstration Grant		
Agreement w/WPCOG for grant management assistance	89	09/17/01
Bid Award Bid #02-1002 – Landfill Compactor	90	09/17/01

**Codification of County Code**

Code amendments, Chapter 515:Zoning	65	09/17/01
Code amendments to Chapter 506: Abandoned & Junk Vehicles Ordinance	85	09/17/01

**Emergency Services**

Lawsuit Against HCFA to Compel Issuance of Ambulance Reimbursement Regulations	86	09/17/01
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**Guests**

Dr. Duane H. Kirkman, Hickory Public Schools	60	09/17/01
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**Landfill**

Bid Award Bid #02-1002 – Landfill Compactor	90	09/17/01
Purchase of Used Landfill Compactor	92	09/17/01

**Litigation**

Catawba County vs. Charles S. Wilfong and Jack Wilfong 2000VCS3270	92	09/17/01
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**Public Hearings**

Proposed road closing of a portion of Saunders Road – Long Island Airport (continued until 10/01/01)	60	09/17/01
Rezoning request of Betty L. Nixon	63	09/17/01
Road name change from Fernwood Drive to April's Way	65	09/17/01
Code amendments, Chapter 515:Zoning	65	09/17/01
Code amendments to Chapter 506: Abandoned & Junk Vehicles Ordinance	85	09/17/01

**Real Estate, County-owned**

Disposal of Surplus Real Property in Sherrills Ford area 0.13 acres off SR1848, Resolution #2001-271	87	09/17/01
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**Resolutions**

#2001-270 Denouncing Terrorist Attacks	59	09/17/01
#2001-271 Disposal of Surplus County-owned Real Estate	87	09/17/01
#2001-272 Appointed Map Review Officers – Claremont	88	09/17/01
#2001-273 Closing portion of Lookout Dam Road	89	09/17/01

**Roads/Streets**

Proposed road closing of a portion of Saunders Road – Long Island Airport (continued until 10/01/01)	60	09/17/01
Road name change from Fernwood Drive to April's Way	65	09/17/01
Abandonment of a portion of SR 1006 (Lookout Dam Road)	89	09/17/01
#2001-273 Closing portion of Lookout Dam Road	89	09/17/01

**September 17, 2001, MB#48**

**Water/Sewer**

Bid Awarded for the Construction of Little Road Water Line Project	86	09/17/01
2001 CDBG Infrastructure Water Hook-Up Demonstration Grant		
Agreement w/WPCOG for grant management assistance	89	09/17/01
Keisler Dairy Road Water Line Project, Revenue Sharing		
Contract with the City of Conover	90	09/17/01
Wastewater Treatment Plant – Sherrills Ford (tabled)	93	09/17/01

**Zoning**

Rezoning request of Betty L. Nixon	63	09/17/01
Code amendments, Chapter 515:Zoning	65	09/17/01

The Catawba County Board of Commissioners met in regular session on Monday, September 17, 2001, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbits Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Marie H. Huffman, Vice-Chair W. Steve Ikerd, and Commissioners Katherine W. Barnes, Barbara G. Beatty, and Dan A. Hunsucker.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Huffman called the meeting to order at 7:00 p.m.
2. Invocation.

Chair Huffman opened the meeting with a moment of silent prayer then she led in the Pledge of Allegiance.

Chair Huffman read the following Resolution into the record:

**Resolution No. 2001-270**  
**Resolution Denouncing Terrorist Attacks on the United States**  
**and Proclaiming Support for President Bush and Requesting**  
**Citizens to Support Relief Efforts**

Whereas, on September 11, 2001, the United States was suddenly and brutally attacked by foreign terrorists, and;

Whereas, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and the third into the Pentagon outside Washington, DC. The fourth aircraft crashed to the ground in rural Pennsylvania, possibly diverted by brave Americans on board away from another populated target, and;

Whereas, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, and;

Whereas, these cowardly acts were by far the deadliest terrorist attack or act of war ever launched against the United States, and, by targeting our civilian population and symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve, and;

Whereas, these horrific events have affected all Americans. It is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall, proud, and united.

Therefore be it resolved that the Catawba County Board of Commissioners condemns the cowardly and deadly actions of these terrorists, and;

Be it further resolved that the Catawba County Board of Commissioners fully supports the President of the United States, as he works with his national security team to defend against additional attacks, and find the perpetrators to bring them to justice, and;

Be it still further resolved that the Catawba County Board of Commissioners encourages its citizens to support relief efforts by giving blood at the nearest available donation center or by making monetary donations to the American Red Cross, Salvation Army or other relief agencies involved in this great mission.

This the 14<sup>th</sup> day of September, 2001.

Catawba County Board of Commissioners  
/s/ Marie H. Huffman, Chair

3. Commissioner Ikerd made a motion to approve the Minutes from Regular Session and Closed Session of Tuesday, September 4, 2001.
4. Special Guests.

Chair Huffman recognized Dr. Duane H. Kirkman, Superintendent, Hickory Public Schools.

5. Public Hearings:

- a. Proposed road closing of a portion of Saunders Road as it enters from the south of Chick Drive and north of Clipper Court, which is approximately 400 feet and crosses the active runway for Long Island Airport.

Assistant Planner Rich A. Hoffman said the Board of Commissioners at its August 20, 2001 meeting adopted a Resolution Of Intent to consider a request to close a portion of Saunders Road where it crosses over an active airstrip. The request came to the Board from the petitioner, Syn-R-G, LLC, the developers of the Long Island Airport Subdivision. Pursuant to G.S. 153A-241, a county may permanently close any public road within the county, except roads that are under the control and supervision of the North Carolina Department of Transportation (NCDOT). The portion of Saunders Road that is the subject of this request is not under NCDOT authority. G.S. 153A-241 stipulates the process the County must follow in order to consider closing a public road which includes conducting a public hearing on the matter. The public hearing has been duly advertised in a local newspaper for three successive weeks, two signs have been posted along the road, and the property owners who may be impacted on the road closing have been sent a certified letter making them aware of the public hearing time and date. Following the public hearing the Board of Commissioners may order the road closed or not. Any interested party may appeal the Boards decision to the Superior Court within thirty days.

Mr. Hoffman said the portion of road proposed to be closed is described by the petitioners as: That portion of Saunders Road, south of Chick Drive and north of Clipper Court, which is approximately 400 feet and crosses the active runway for Long Island Airport as shown on the plat recorded in Plat Book 42, Page 193, Catawba County Registry.

For obvious public safety reasons, a condition of Catawba County's approval of Long Island Airport Subdivision was for the petitioner to develop a paved alternate route around the airport for adjacent land owners to use who have in the past been using that portion of Saunders Road crossing the active runway and then to petition the County for the closure of that portion of Saunders Road crossing the active runway. The required alternate paved route is now in place and available for use by adjacent property owners and the Petitioner is prepared to close off that portion of Saunders Road which is the subject of this petition and therefore prevent traffic from crossing the active runway of Long Island Airport.

Planning Staff has requested input from the following agencies: Catawba County Emergency Services, Catawba County E-911 Coordinator, Catawba County E-911 Dispatch, Sherrills Ford Fire Department, Catawba County Schools, North Carolina Department of Transportation, and the Catawba Post Office. The following is a synopsis from the various agencies that responded:

Catawba County E-911 Coordinator recommends closing of the road due to the increased safety of not having a street going across a landing strip. Some addresses would need to be changed as well as a new street name established since the closing would separate Saunders Drive. Additionally, the Long Island Airport Subdivision is providing paved streets for ingress and egress for those living on Ruffy Street, which is an advantage over the current road conditions.

Catawba County E-911 Dispatch had no concerns.

Catawba Post Office response: If the road were closed the carrier's line of travel would be permanently amended to detour around the airport on the new section of road, thus increasing delivery times and mileage costs. Should a gate or other restricted entry barrier be placed on the carrier's line of travel, it would be necessary to provide the post office with means to gain entry. The post office would not be responsible for maintaining a key or other opening device.

Sherrills Ford Fire Department response: If the closing were due to a safety concern, then they would be in favor of the closing.

Catawba County Schools Bus Garage response: The road closing would not affect them.

Mr. Hoffman said when the County Subdivision Review Board approved the Long Island Airport Subdivision, one of the conditions for approval included: The part of Saunders Road, south of Chick Drive directly north of Clipper Court, which is approximately 400 feet of road, which crosses the airstrip, be legally closed after the road surrounding the airstrip is completed.

The developer has secured access for property owners of the Long Island Airport as well as owners of property not within the Long Island Airport Subdivision, but whose only access would be by the use of Saunders Road by acknowledging them on the recorded plat. Additionally, the developer has included these other property owners in the restrictive conveyances with regards to having access for the new road surrounding the airstrip but to not be assessed any maintenance fees for the roads.

On June 18, 2001, Planning Staff sent a letter to potentially interested and affected property owners informing them of what was going to be taking place and providing them with some procedural information. The developer also provided information to property owners who could be affected by the proposed road closing. The new private road will be used as a joint taxiway/roadway.

From a Catawba County Planning Staff response, the overall safety of the residents would be increased if this portion of Saunders Road were closed by eliminating the potential for aircraft to cross a perpendicular path with automobile traffic. The developer has complied with the Subdivision Review Board conditions by securing access for all property owners affected by this road closing request. Staff recommends the Board of Commissioners close that portion of Saunders Road.

Commissioner Barnes asked about the new private road also being used as a joint taxiway/roadway and would it cause any additional safety issues. Mr. Hoffman said that was brought up at the Subdivision Review Board and the Board required a circular turnoff to yield to oncoming airplanes for additional safety.

Chair Huffman opened the public hearing by saying this was a public hearing and asked if anyone wished to speak either for or against.

Mr. Gordon King, 1188 Cartwright Drive, said this road closing would not be necessary if the developer had installed a warning system/gate system. He said they were threatened by 110 mobile homes; developer cited for environmental violations; developer has not met requirements in the Catawba County Code, Section 515.163 which has certain requirements and states all FAA requirements that apply shall be met; FAA doesn't have jurisdiction over a private airport; extended runway was never approved; and no NC state permit which Mr. King feels they couldn't meet the requirements. Mr. King said NC state construction standards must be certified by a licensed professional engineer and the developers have not met the standards; the rights-of-way require 50 feet and theirs is 45 feet; maximum grade not met; and has to be inspected. Mr. King was concerned about the original gravel bed and the vinyl bed. He said the developer only had the cross section of the roadbed inspected. They don't meet sediment, erosion, and run-off requirements and not sure about site requirements. There have been three airplane crashes on the runway. Chick Road is, too, close to the runway and may have been in place before the requirements were written. Developers does not yet have a driveway permit.

Chair Huffman said the issue before the Board is to close a portion of Saunders Drive and from the information the Board has received it is a safety issue and the neighborhood would be safer by closing a portion of the road.

Commissioner Ikerd said the development was approved under proper codes and the State of NC handles all erosion control problems, not the Board of Commissioners. Lots could not have been approved without a planned development and he asked Mr. King if the airport was there before he (Mr. King) moved in? Mr. King said it was there when he moved in but was later extended. Mr. King said the roads have not been approved.

County Attorney Robert Oren Eades said his family owns property in the development that is affected and he asked to be excused from commenting and deferred legal counsel to Staff Attorney Debra Bechtel.

Attorney Bechtel said approval for a private road must be build in accordance with minimal NCDOT standards and the county does not have engineers in its Planning Department to verify roads. There is a requirement from a developer in the initial stage that they have enough roadbed and stone and the developer had a certified engineer to verify. An engineer in that particular area performed a field test and provided a certification stating the road meets minimum standards of NCDOT. She said we received both for the road on June 20, 2001, and September 14, 2001.

Mr. King said the engineer was asked to only look at the roadbed cross section.

Mr. Harry Hicks, 1573 Rufty Street, said he was concerned about school children walking to meet the school bus; not being able to get in and out during ice storms on the privately owned road; and concerns about emergency vehicles getting in. He said Mr. Griff was going to put up lights and this was never done. He said there is not a plane a week or month that lands there and it has been used for 40 years with no accidents.

Mr. Steve Griff, 1372 Bluebird, said in response to previous comments about the 110 mobile homes and people worried about development in their back yards, he said one of the County Commissioners in 1994 made the statement that Mr. Griff was approved for 20,000 sq. ft. and he could install 110 mobile homes but he plans to build 32 nice houses. He said a County Commissioner said which would you rather have? Mr. Griff said they have a 2,800 federal register, certified airport, on the sectional chart, and the federal government has the airport listed as NC 26. He said the Saunders' and Davis' were founders of Piedmont Airlines. He said the airplanes use speeds of 5 - 10 mph, and when airplanes are flying and not yet touched down they could cause a catastrophic situation. He said he did agree to install lights when the community hangars are development. The stop signs didn't last very long and are probably in someone's bedroom. He said airplane traffic would increase as the area is developed. The road has been built to NC standards and certified by engineers. EMS response time is quicker going around the back way as opposed to stopping, surveying the area, and crossing the runway. The runway adds an excellent area for a Medivac.

Commissioner Beatty ask what route owners would take to get to their homes? Mr. Griff said around the western route which would add 30 seconds to the drive time.

Commissioner Beatty asked if they would be seeking the state to take over maintenance of the road? Mr. Griff said no.

Mr. Jeff Reynolds said they do not use Knebworth as it is outside their development. They built a new road to state standards and the road needs to be renamed from Knebworth to Aeromarine. Knebworth no longer exists in their development. The new road is not shown at all on the map.

Commissioner Hunsucker asked how many planes land in a week? Mr. Griff said three to four.

Mr. Griff said they have sold 60 percent of the lots and he foresees a dramatic increase next year as homes are built in the development.

Gordon King recommended the County contact the engineer to make sure it was inspected to state standards.

James B. Litton, said the Commissioners changed the name of Knebworth about eight months ago. His concern is Rowe Street which is a private road and that EMS could not get through that road. He asked if planes would come both ways? He is concerned if Saunders Road is closed then Rowe Street will be used as a short cut and the property owners will have to maintain Rowe Street.

Mr. Griff said yes planes will come both ways.

Commissioner Ikerd asked Mr. Litton if Rowe Street had subdivided building lots? Mr. Litton said yes.

Commissioner Ikerd said the road could not be a private road if building lots had been sold. Mr. Litton said it is a private maintained road.

Mr. Jeff Reynolds said he had personally installed silt fences; they have not been cited by an environmental group; he was contacted and asked to do several things of which they have complied with; and they did not wipe out a creek. He said the area Mr. King was talking about was a fire access ramp that was required by the County. The ramp has not been completed because they understand the lake will drop 18 feet this winter and they want to build the ramp properly due to the terrain under the ramp. He said they have 50 home sites that will have hangers or community hangars and they will probably end up with 50 to 70 aircraft in the future and there may be from 3 to 30 aircraft using the runway. The airport is private and they are not bound by FAA regulations for their airport; however, they are under FAA regulations when they get into the airspace. They have not extended the runway. The portion east of Saunders was owned at one time by the Davis' and Saunders' and the area west of Saunders was leased from Crescent Development/Duke Power so that they had the full length of the runway. They were renting the property and at some point they discontinued that rental. Mr. Reynolds said they have a letter from Crescent Management saying they never abandon the use of the airport and from pilots who have been using the airport since 1962. They do not require a NC state permit for their airport because it was built prior to that requirement. They are on all maps both state and national maps as NC 26, a designated airport. He said they have complied with everything the County has required and they have had a professional engineer tell them the road is acceptable and have submitted all the paperwork required. He said they are concerned about everyone's safety on that airport. Airplanes travel up to 80 – 90 mph at the intersection of Saunders Road. On the runway and taxiways the airplanes are taxiing about 5 mph. They will have a low speed limit for cars through the development and are looking at a closing speed of 25 mph instead of 90 mph which is plenty of time to see and avoid something as large as an airplane or car. By creating the new road and closing a portion of Saunders Road, school children will no longer be walking across an active roadway. NCDOT policy will not allow school buses within the proximity to an active runway. Quality of Saunders Road is eroded, pitted, and falling apart. The new road is built to NCDOT standards and they actually exceeded the standards by expanding the gravel base. They have put up stop signs and speed bumps which have been destroyed.

Mr. Rex Wood, 1703 Ruffy Street said he was concerned about the roads. He wants new roads as he has a Citation he wants to bring in. He is concerned about safety because there are no stop signs. He said the notice of violation was on April 16, 2001.

Attorney Bechtel said the Planning Staff sent a letter to all effected property owners and staff did not receive any contact from the property owners until 4:30 p.m. this date. There are a lot issues many of which staff has heard for the first time. She said this hearing could be continued until October 1, 2001 if the Board would like for staff to confirm certain things or find out any other pieces of information.

Commissioner Ikerd said the issue is to close a road due to a safety hazard. The roads meet standards which were put in by the developer and were approved.

Attorney Bechtel said we need to know for certain that the new road which has been put into place is in conformance with our ordinance. She could speak with the engineer.

Commissioner Barnes said it is incumbent upon the Board to assure that there are safe labeled roadways into this development. She would favor continuing the public hearing and voting on the hearing at the October 1 meeting when the board can be assured that the standards have been met.

Commissioner Ikerd said this is an approved development and feels road safety should be addressed in a different manner.

After a lengthy discussion, Commissioner Barnes made a motion to leave the public hearing open and continue the hearing at the regularly scheduled meeting on Monday, October 1, 2001, 9:30 a.m. at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina. The motion carried unanimously.

- b. Proposed rezoning request of Betty L. Nixon to rezone a 3.0 acre portion of an existing 7.52 acre tract from R-2 Residential to C-2 Commercial.

Zoning Administrator Donna C. Jones said the applicant is requesting to rezone the portion of this property that lies outside of the Duke Power utility line right-of-way. This property is located in the Mountain Creek Township at 5212 Slanting Bridge Road in Sherrills Ford. It is further identified as Parcel I.D. 4606-04-61-4049. The properties to the north and east of this property are residentially developed and are zoned R-2 Residential. The property to the west of this property is commercially developed with a drinking establishment located on it and is zoned C-2 Commercial. There are properties to the northeast of this property that are commercially developed and are also zoned C-2 Commercial. The properties to the south of this property are located in Lincoln County and are zoned residential. One of the larger tracts at the County line has non-conforming mini-warehouses located on it that were there prior to Lincoln County zoning. Slanting Bridge Road (State Road #1844) is designated as a minor collector road on Catawba County's Thoroughfare Plan. These routes collect traffic from local roads and bring all developed areas within a reasonable distance of a major collector road. These routes provide service to the remaining smaller communities and link the locally important traffic generators with the rural outskirts. According to the Catawba County Thoroughfare Plan, the average road carrying capacity for a minor collector road is approximately 7,000 vehicle trips per day. The 1999 traffic count near the intersection of Slanting Bridge Road and Keistler Store Road (SR #1899) is 4,300 vehicle trips per day. *VisionQuest 2010: Catawba County's Comprehensive Plan* designates this area as a "Rural Area." Rural Areas consists of farm land, open spaces and residential areas with the lowest development density. Limited public water or sewer extensions or major road improvements are planned for Rural Growth Management Areas during the life of this Plan. The following Land Use & Development policies apply to this request:

Policy 1.15 Address compatibility between land uses when making land use decisions.

Policy 1.32 Encourage retail and office uses to locate in designated areas well served by public infrastructure, especially adequate road capacity.

Policy 1.33 Encourage retail and office uses in areas located on an arterial, a major thoroughfare or major collector and in areas where turning movements are safe and interparcel access is available.

Policy 1.39 Encourage retail and office uses to be designated so that they are compatible with surrounding development and separated from residential neighborhoods by the use of buffering or "step-downs" in use and intensity.

The Catawba County Zoning Ordinance, Section 515.021 C-2 Commercial District states: "The C-2 District is intended to provide land for the provision of convenience shops and specialty retail goods and business and personal services to the traveling public and the residents neighborhood. The C-2 District shall be located with direct access to arterial and collector streets. Proposals for larger sites offering a greater amount of goods and services shall use the planned development approach contained in section 515.200 et seq." One side of this property abuts a commercially zoned tract with an existing drinking establishment located on it. Abutting the other side of this property is a Duke Power utility line right-of-way. These two factors cause the remainder of this property to be a less than desirable location for residential development. The Land Use Plan from the Sherrills Ford Small Area Planning Committee has not been adopted thus far. However, this Committee has identified the area around the intersection of Slanting Bridge Road and Keistler Store Road as a Rural Commercial Node. This request would fit into the established character of the area. Based on this information, staff recommends the rezoning of this property from R-2 Residential to C-2 Commercial.

At the Planning Board public hearing Ms. Betty Nixon spoke in favor of this request. Up to the date of the Planning Board meeting, staff had received phone calls from Mr. Andy Petree, an adjoining property owner, in support of this request; Mr. Clark Kuhr, an adjoining property owner, in opposition to this request; and, Mr. Loy Little, brother of the deceased property owner, in opposition to this request. The Planning Board voted unanimously for a favorable recommendation to the Board of Commissioners for this request.

Chair Huffman opened the public hearing by saying this was a public hearing and asked if anyone wished to speak either for or against. No one spoke.

Chair Huffman closed the public hearing.



Commissioner Beatty made a motion to approve the rezoning request of Betty L. Nixon to rezone a 3.0 acre portion of an existing 7.52 acre tract from R-2 Residential to C-2 Commercial. The motion carried unanimously.

- c. Proposed road name change from Fernwood Drive to April's Way. This street is located in Fernwood Subdivision off Sigmon Dairy Road in Newton Township.

E-911 Coordinator Connie P. Killian said the Catawba County Planning Board and E-911 staff is requesting approval of the proposed road name change of Fernwood Drive to April's Way, which is located in Newton Township off Sigmon Dairy Road. E-911 staff received a petition with appropriate fees and signatures from property owners along Fernwood Drive to rename it to April's Way. There are 17 lots along this street and the petition contained signatures of property owners of 11 lots. Phone calls were received prior to the Planning Board meeting from Ms. Powers (Lot 1) and Ms. Sigmon (Lot 14) who stated that they were in agreement to this road name change even though they did not sign the petition. A letter was received from Mr. & Mrs. Lowrance (Lot 2) stating their opposition to this proposal. They did not sign the petition. Mr. & Mrs. Rodney Trivette informed E-911 personnel after the Planning Board meeting that they had purchased Lot #13, and they were opposed to this road renaming. County's policy for renaming a street by petition states that 51% of the property owners have to sign the petition for it to be valid. In this particular case 9 signatures would be required for a valid petition. If Lot 13 is removed from the petition, there are still 10 signatures plus two verbal agreements, which would make this a valid petition. April's Way is a non-duplicate street name, so it is usable for this proposed name change. Property owners on this street received notification by letter of this public hearing and a sign was also posted on the street concerning this proposed road name change. This request has been advertised for a public hearing by the Board of Commissioners to occur at this meeting. At the Planning Board's August 27<sup>th</sup> meeting, Ms. Peggy Parham (Lot 8) spoke stating that she wanted this road renamed to honor the memory of her daughter April Jonas who spearheaded the petition to have Fernwood Drive paved and taken into NC DOT's system for state maintenance. Ms. Robin London (Lot 7) spoke against this street renaming. She stated that all the property owners along this street should not be inconvenienced by having to change their addresses and that there were better ways for the County to use their monies. The Planning Board unanimously approved the proposed road name change.

Chair Huffman opened the public hearing by saying this was a public hearing and asked if anyone wished to speak either for or against.

Ms. Peggy Parham said she wanted this road renamed to honor the memory of her daughter April Jonas who spearheaded the petition to have Fernwood Drive paved and taken into NCDOT's system for state maintenance. Ms. Parham said April died this year with cancer.

There being no one else wishing to speak, Chair Huffman closed the public hearing.

Commissioner Ikerd made a motion to approve the road name change from Fernwood Drive to April's Way. The motion carried unanimously.

- d. Proposed amendments include, but are not limited to adding or revising definitions in Section 515.004; amendment to table 515-1 Schedule of Permitted and Permissible Uses by District is being amended and alphabetized; amendment to tables 515-2A and 515-2B: Schedule of Area, Height, and Placement Regulations for Single-Family and Two-Family Detached Residential footnote #1; amendment to Section 515.037 Accessory Structures concerning heights of structure and placement; clarification of Sections 515.075 & 515.076; adding supplemental regulations for Temporary Uses/Special Events and Outdoor Seasonal Sales; amend or add Special Use Criteria for Public Service Facility, Kennels, Membership Organization, Land Clearing and Inert Debris Landfill, Zoos, Accessory Dwelling Unit/Guest House and Museums; and amending Section 515.257 to comply with building code requirements.

Zoning Administrator Donna C. Jones said staff was requesting approval of amendments to the Catawba County Code, Chapter 515 and reviewed each proposed amendment. She said Section 515.266 Comprehensive Review of Zoning Regulations states that the Planning Board and the Zoning Administrator shall, from time to time, examine the provisions of Chapter 515, Catawba County Zoning Ordinance and submit a report recommending changes and amendments which are desirable in the interest of public health, safety, and general welfare of the community.

Planning staff presented information on proposed amendments to the Zoning and Subdivision Ordinances at the Planning Board's January 2001 meeting. At that time, staff set up a time frame to prepare amendments and bring before the Planning Board and County Commissioners.

Ms. Jones said all new amendments or additions to the Zoning Ordinance are underlined; the proposed deletions are designated by a strikethrough.

Ms. Jones said Paul Beatty referenced Section 515.102 Temporary Uses/Special Event, (C) (8) "The time frame for temporary uses/special events shall not exceed 21 days and in no case more than three times in a calendar year". Mr. Beatty stated that he felt four times per calendar year would be a fairer time frame. Mr. Beatty also addressed Section 515.196 Museums (H) and requested that the required parking area for museums be allowed to be gravel.

Ms. Jones said Ed Neill referenced Section 515.104 Landfill-Beneficial Fill. He stated that this type of landfill was designated to be placed in the R-2, R-3, C-1, C-2, C-3, E-1 and E-2 Districts and should be also be allowed in the R-1 Residential District. Mr. Neill stated that as more parcels of land are zoned R-1, it would be appropriate to allow a Beneficial Fill Landfill in these areas. He also requested that a note in parenthesis be placed after Section 515.193 Land Clearing and Inert Debris (LCID) Landfill (A) "Designated area of landfill must be two acres or less" to read (LCID Landfills larger than two acres require a state permit). This note would be for clarification that LCID Landfills must be approved by the North Carolina Department of Environment and Natural Resources if over two acres. She said Mr. Neill also stated that under the definitions of Beneficial Fill and Land Clearing and Inert Debris Landfill where "used pavement asphalt" was stated it should read "used asphalt pavement." She said Mr. Neill noted that any place in the ordinance it was referenced it should be changed.

Ms. Jones said Sam Wright referenced Section 515.182 Kennels and stated that he did not believe the animal exercise area should be prohibited. He noted that (B) should read, "All activities, with the exception of animal areas, shall be conducted within an enclosed building. And (C) should read "A 300 foot separation shall be maintained between the kennel, including exercise area, and any residential property line. Mr. Wright stated that he did not feel a totally enclosed kennel would be safe for the animals.

Ms. Jones said Mr. Neill referenced 515.195 Accessory Dwelling Units/Guest House (G). He stated that he felt the section should read "An accessory dwelling unit shall not exceed 650 square feet or 50 percent of the gross heated floor area of the principal dwelling." Mr. Neill believes this change would give a property owner adequate square footage for the accessory dwelling unit – but keeping it clearly subordinate to principal dwelling.

Ms. Jones said Staff reviewed the proposed additional revisions with the Planning Board members and staff agreed with the changes. The Planning Board unanimously approved the recommended revisions.

County Manager J. Thomas Lundy asked about the Planning Board's discussion where Paul Beatty, Planning Board Member, recommended requiring parking area for museums and did that include all museums in the County? Mr. Lundy said for temporary uses for special events it could be graveled but the County may not want a provision which says any museum that would be constructed in the County or needed to have additional parking could be graveled instead of being paved.

Ms. Jones said she did mention to Mr. Beatty that the Catawba County Zoning Ordinance did exclude County facilities.

After a brief discussion, County Attorney Eades said regarding 515.196 Museums (H) he recommended deleting what was in agenda packet and replace with: "Parking spaces required shall

be two parking spaces per 1,000 square feet of gross floor area in accordance with Section 515.140 - 515.144. Parking spaces shall be paved unless the Board of Adjustment determines that graveled spaces will be appropriate in the planned setting."

Chair Huffman opened the public hearing by saying this was a public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Huffman closed the public hearing.

Commissioner Barnes moved adoption with all sections of changes noted by Ms. Jones and in addition make a substitution regarding museums as cited by County Attorney Eades in lieu of the citation by Mr. Beatty from the Planning Board. The motion carried unanimously.

The following ordinance contains all recommended changes.

#### **Chapter 515: Zoning Ordinance**

BE IT ORDAINED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the Catawba Code of Ordinance is hereby amended as follows:

#### Section

##### Supplemental Regulations

515.090	Introduction
515.091	Arrangement and location of structures and landscaping access
515.092	Construction trailers and manufactured homes as temporary offices
515.093	Residential development sales office or model dwelling units
515.094	Maintenance of motor vehicles in residential districts
515.095	Garage and yard sales
515.096	Parking of domestic, recreational and commercial vehicles
515.097	Animal hospital and veterinary clinics
515.098	Drive-in theaters
515.099	Mini-warehouse
515.100	Home occupations
515.101	Telecommunications Tower/Alternative Tower Structure
<del>515.102-515.104</del>	<del>Reserved. (11-16-98)</del>
<u>515.102</u>	<u>Temporary Uses/Special Event</u>
<u>515.103</u>	<u>Outdoor Seasonal Sales</u>
<u>515.104</u>	<u>Landfill – Beneficial Fill</u>
515.105	Temporary permit for the placement of a recreational vehicle/camper (11-16-98)
515-106	Requirements for Posting/Displaying of E-911 Numbers on New Construction and Existing Buildings (6-18-01)

##### Special Uses

515.155	Intent
515.156	General standards
515.157	Procedure for application
515.158	Imposed conditions
515.159	Contents of application
515.160	Minor changes and modifications; approval required
515.161	Standards for individual special uses
515.162	Adult uses
515.163	Airport/Airstrip
515.164	Animal hospital and veterinary clinic
515.165	Boarding/Rooming House or Bed-and-Breakfast operation
515.166	Campground
515.167	Cemetery - human and pet
515.168	Child and Adult Care Center
515.169	Community recreational uses

515.170	Congregate living facilities
515.171	Drag strip and racetrack
515.172	Firing range
515.173	Junkyards
515.174	Landfills
515.175	Marinas and dry storage facilities
515.176	Mining of earth products
515.177	Nursing, convalescent and extended care facilities
515.178	Public service facility
515.179	Public use facility
515.180	Roadside stands - commercial
515.181	Stables, Public
515.182	Kennels
515.183	Nursery/landscaping business
515.184	Flea market, outdoor
515.185	Radio frequency test facility
515.186	Manufactured home park
515.187	Sawmills
515.188	Telecommunications Tower
515.189	Hospice House - Residential Facility
515.190	Conference/Retreat Center (7-6-98)
515.191	Recreational fish lake or pond (12-21-98; 2-15-99)
515.192	<u>Membership organization</u>
515.193	<u>Land Clearing and Inert Debris (LCID) Landfill</u>
515.194	<u>Zoos</u>
515.195	<u>Accessory Dwelling Unit/Guest House</u>
515.196	<u>Museums</u>
515.197	<u>Professional Residential Facility</u>

Amend Section 515.004 Definitions by revising or adding the following definitions to clarify existing permitted uses or proposed new uses.

**ACCESSORY DWELLING UNIT/GUEST HOUSE** A detached dwelling unit permitted on the same parcel as the principal dwelling unit, but clearly subordinate to the principal dwelling unit.

**BUILDING, ACCESSORY.** A subordinate detached building located at least five feet from the principal building but on the same lot, the use of which is incidental and accessory to that of the principal building.

**CONSTRUCTION OR DEMOLITION DEBRIS** - Solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert, land clearing or yard trash debris. Roofing shingles are considered construction or demolition debris.

**FIRING/SHOOTING RANGE** – A facility open to the public or to members of a membership organization at which firearms are discharged at targets, whether or not a fee is paid to the owner or proprietor of the facility.

**JUNKYARD/SALVAGE YARD** Land used for the storage, keeping, handling, or display of junk or six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

**KENNEL** Any lot or premises, on which six or more household or exotic animals, more than six months of age, are bred, boarded, trained or sold on a regular basis for commercial purposes.  
(Chapter 345, Inherently Dangerous Exotic Animals, regulates the harboring of exotic animals.)

**LAND CLEARING DEBRIS** - Solid waste that is generated solely from land-clearing activities, such as stumps, trees, brush, grass or other naturally occurring vegetative material.

**LANDFILL** Land used for the disposal of waste excluding hazardous waste. Landfills are classified into three different types based upon the type of wastes received at the landfill.

(1) **SANITARY LANDFILL.** A facility used for the disposal of solid waste.

(2) **BENEFICIAL FILL CLEAN MATERIAL LANDFILL**- Land used for the disposal of ~~only non-water soluble non-decomposable, inert material, consisting of concrete, brick, steel, clean fill dirt, and other similar material.~~ inert debris strictly limited to concrete, brick, concrete block, used asphalt pavement, uncontaminated soil, rock, or gravel. Construction and demolition debris or land-clearing debris are not beneficial fill material and cannot be placed in a beneficial fill landfill

(3) **LAND CLEARING AND INERT DEBRIS (LCID) LANDFILL** - A facility for the land disposal of land-clearing debris, brick, concrete block, uncontaminated soil, used asphalt pavement, gravel, or rock, untreated and unpainted wood, or yard trash. The facility may not be used for the disposal of construction or demolition debris.

**MANUFACTURED HOME.** A portable manufactured housing unit, over 40 feet in length and over eight feet in width, designed for transportation on its own chassis and placement on a temporary or permanent foundation. The term also includes a “double-wide housing unit” which is two or more portable manufactured housing units, over 40 feet in length and eight feet in width, designed for transportation on their own chassis, which connects on-site for placement on a temporary or permanent foundation. Manufactured homes, commonly referred to as manufactured homes, are classified into five categories as follows:

**CLASS A.** Double wide or multi-sectioned manufactured housing units which meet U.S. Department of Housing and Urban Development manufactured home construction standards and also meet the county appearance criteria listed in § 515.075.

**CLASS B.** Single wide manufactured housing units which meet U.S. Department of Housing and Urban Development manufactured home construction standards and also meet the county appearance criteria listed in § 515.076.

**CLASS C.** Manufactured housing units which meet neither U.S. Department of Housing and Urban Development manufactured home construction standards nor the county appearance criteria. **Must meet appearance criteria requirements in Section 515.076 (D), E).**

**CLASS D.** Double wide or multi-sectioned manufactured housing units which meet U.S. Department of Housing and Urban Development manufactured home construction standards, but which do not meet the county appearance criteria listed in § 515.075. **Must meet appearance criteria requirements in Section 515.075 (D), E), & (F).**

**CLASS E.** Single wide manufactured housing units which meet U.S. Department of Housing and Urban Development manufactured home standards, but which do not meet the county appearance criteria listed under § 515.076. **Must meet appearance criteria requirements in Section 515.076 (C), (D), E).**

**MODULAR HOME.** A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code (Uniform Residential Code for one and two-family dwellings) and made up of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home shall be deemed to be a single family dwelling as defined in this ordinance.

**OUTDOOR SEASONAL SALES.** Temporary uses which include but are not limited to Christmas tree sales, pumpkin sales, plant sales, firework sales, and similar uses. Outdoor seasonal sales are not intended to include the sale of manufactured items such as furniture, bedding, automobile parts or household goods.

**TEMPORARY USES/SPECIAL EVENTS.** A use established for a limited duration with the intent to discontinue such use when the time frame has expired. The Temporary Use/Special Events use shall include, but not be limited to circus, carnival, fair, rodeo, team pinning, religious events, and special events by non-profit organizations.

**YARD TRASH.** Solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.

**YARD WASTE.** Includes both “Yard Trash” and “Land-clearing Debris” as defined in G.S. 130A-290, including stumps, limbs, leaves, grass and untreated wood.

**ZOO.** A collection of living animals usually for public display.

Table 515-1 Schedule of Permitted and Permissible Uses by District as amended and alphabetized:

TABLE 515-1: SCHEDULE OF PERMITTED AND PERMISSIBLE USES BY DISTRICT

## Legend

X = Permitted Principal Uses

A = Special Use Approved by Board of Adjustment

Y = Permitted Accessory Uses

Blank = Prohibited Use

R = Rezoning Process

(1) Five or more nonresidents; (2) Maximum number of residents is 12; (3) In existing manufactured home parks only; (4) Maximum number of residents is 5; (5) Only for uses permitted in the district; (6) When catering to industrial clients; (7) Excluding the open storage of wrecked cars; (8) May include open storage as permitted for junkyards; (9) In existing manufactured home parks, on existing lots of record, and family subdivision lots; (10) Administration approval subject to supplemental regulations in 515.101.

Use	R-1	R-2	R-3	O-I	C-1	C-2	C-3	E-1	E-2	See Section
Accessory Dwelling/ Guest House	A	A	A							515.195
Accounting				X	X	X	X			
Adult care center		A(1)	A(1)	X	X	X	X	Y	Y	515.168
Adult uses							A			515.162
Advertising agency				X	X	X	X			
Airport								A	A	515.163
Airstrip		A	A							515.163
Amusement arcades						X	X			
Amusement park/services						X	X			515.097
Animal hospital/vet clinic						X	X	X	X	
Animal husbandry	X	X	X	X	X	X	X	X	X	
Antique shops						X	X			
Apparel and footwear						X	X			
Appliances						X	X			
Aquaculture (12-21-98)	X	X	X	X	X	X	X	X	X	
Aquarium						X	X			
Arboreta	X	X	X	X	X	X	X	X	X	
Architects				X	X	X	X			
Armories						X	X	X	X	
Art galleries				X	X	X	X	X	X	
Art supplies						X	X			
Arts and graphics services						X	X			
Asphalt products - Mfg.								X	X	
Auditors and bookkeepers				X	X	X	X			
Auto, truck, boat and motorcycle sales						X	X			
Automatic bank teller				X	X	X	X			
Automotive supplies						X	X			
Bakeries					X	X	X			
Bakeries (wholesale)							X	X	X	
Banks and finance companies				X	X	X	X	X	X	
Barbershop				X	X	X	X			
Baseball hitting ranges						X	X			
Beauty shop				X	X	X	X			
Bedding and carpet - Mfg.								X	X	
Bicycle repair					X	X	X			
Bicycle sales and service					X	X	X			
Billiard or pool halls					X	X	X			
Blueprints and drafting supplies						X	X			
Board/rooming house and bed & breakfasts		A	A	X						515.165
Boat works - Mfg.								X	X	

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Use	R-1	R-2	R-3	O-I	C-1	C-2	C-3	E-1	E-2	See Section
Bona fide farms	X	X	X	X	X	X	X	X	X	
Book and stationery stores					X	X	X			
Botanical gardens	X	X	X	X	X	X	X	X	X	
Bottling plants - Mfg.								X	X	
Bowling lanes						X	X			
Brick, tile and pottery yards - Mfg.								X	X	
Building cleaning and maintenance services				X		X	X			
Bus garages							X	X	X	
Bus terminal						X	X			
Cabinet shops - Mfg.							X	X	X	
Camera and photography supplies						X	X			
Campgrounds		A	A	X						515.166
Candy, nut, confectionery stores					X	X	X			
Canvas goods - Mfg.							X	X	X	
Car wash						X	X			
Cardboard containers - Mfg.								X	X	
Case goods - Mfg.								X	X	
Cemetery, human public	A	A	A	X			X			515.167
Cemetery, pet		A					X			515.167
Cemetery, private										
Chemical - Mfg.								X	X	
Child care center		A(1)	A(1)	X	X	X	X	Y	Y	515.168
Church/synagogue	X	X	X	X	X	X	X			
Circus, carnival and fair	X	X	X	X	X	X	X	X	X	515.102
Clothing and textiles - Mfg.								X	X	
Coin-operated laundry					X	X	X			
College/university/technical college				X			X			
Community Recreational Use	A	A	A	X			X			515.169
Computer and data processing services				X		X	X			
Concrete products production - Mfg.								X	X	
Conference/Retreat Center (7/6/98) -		A	A	X	X	X				515.19
Congregate living facility		A(2)		X						515.17
Contractor's office						X	X	X	X	
Convenience store					X	X	X			
Correctional facilities									X	
Country clubs	A	A	A	X			X			515.169
Crematorium							X		X	
Customary accessory uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Dairy, meat and seafood market					X	X	X			
Dance schools or classes				X	X	X	X	X	X	
Delicatessen					X	X	X			
Department stores						X	X			
Detective agencies				X	X	X	X			
Dormitories				X						
Dragstrip and race tracks						A	A			515.171
Drinking Establishments/Night Club						X	X			
Drugstores				X	X	X	X			
Dry cleaners						X	X			
Dry cleaning and laundry pickup facilities				X	X	X	X			
Dwelling units: Multiple-family		R	R	R						
Dwelling units: Single-family	X	X	X	R						
Dwelling units: Twofamily		X	X	R						

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Use	R-1	R-2	R-3	O-I	C-1	C-2	C-3	E-1	E-2	See Section
Eating Establishments: (less than 2,500 sq. ft)					X	X	X			
Eating Establishments: (more than 2,500 sq. ft.)						X	X			
Electrical appliances and equipment - Mfg.								X	X	
Electrical equipment sales						X	X	X	X	
Electronic and electrical repair						X	X	X	X	
Employment agencies				X	X	X	X			
Engineers				X	X	X	X			
Equipment rental						X	X			
Exterminators						X	X	X	X	
Fabric stores						X	X			
Family care home	X	X	X	X						
Farm and heavy equipment sales & rental.							X	X	X	
Farm machinery - Mfg.								X	X	
Farm supplies					X	X	X			
Fertilizers - Mfg.								X	X	
Fiberglass - Mfg.								X	X	
Firing/Shooting Range		A						A	A	515.172
Firing/Shooting Range (Indoor)						X				
Flea markets (Indoor)						X	X	X	X	
Flea markets (Outdoor)								A	A	515.184
Floor covering stores						X	X			
Florists					X	X	X			
Flour and feed mills - Mfg.								X	X	
Food and food products - Mfg.								X	X	
Food catering						X	X	X		
Food packing and - Mfg.							X	X	X	
Food stores (under 10,000 sq. ft.)				X	X	X	X			
Food stores (over 10,000 sq. ft.)						X	X			
Forestry	X	X	X	X	X	X	X	X	X	
Foundries								X	X	
Fraternities and sororities				X						
Funeral parlor				X	X	X	X			
Furniture (except case goods) - Mfg.								X	X	
Furniture and home furnishings						X	X			
Furniture refinishing and repair						X	X	X	X	
Furriers						X	X			
Garbage disposal services								X	X	
Gardening	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Gas Station					X	X	X			
Gift shops						X	X			
Glass and mirror shops						X	X			
Glass products - Mfg.								X	X	
Golf Courses	X	X	X	X						
Golf driving ranges						X	X			
Greenhouses - Commercial					X	X	X	X	X	
Greenhouses - Private	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Greenways	X	X	X	X	X	X	X	X	X	
Gun and ammunition sales						X	X			
Gunsmith - Repair Services						X	X			
Gymnasiums				X	X	X	X			
Ham radio antenna	X	X	X	X	X	X	X	X	X	



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Use	R-1	R-2	R-3	O-I	C-1	C-2	C-3	E-1	E-2	See Section
Hardware stores					X	X	X			
Hatcheries	X	X	X					X	X	
Headquarters of Mfg., processing and assembly firms				X		X	X	X	X	
Health clubs					X	X	X			
Health practitioner's office				X	X	X	X			
Heating and refrigeration shops						X	X	X	X	
Hobby, toy and craft stores						X	X			
Home occupation	Y	Y	Y		Y					515.100
Hosiery mills - Mfg.							X	X	X	
Hospice House		A	A	X						515.189
Hospital				X	X		X			
Hotels/motels					X	X	X			
House movers								X	X	
Ice - Mfg.							X	X	X	
Industrial supplies and equipment						X	X	X	X	
Insurance agencies				X	X	X	X			
Interior designers				X	X	X	X			
Jewelry stores					X	X	X			
Junkyards									A	515.173
Kennel		A	A				A	A	A	515.182
Knitting mills - Mfg.							X	X	X	
Landfills:										
Landfills-Beneficial Fill		X	X				X	X	X	515.104
Landfills - Sanitary		A						A	A	515.174
Landfills - Land Clearing & Inert Debris		A						A	A	515.193
Landscapers						X	X	X	X	
Lawn and garden care						X	X			
Lawn and garden supplies					X	X	X			
Leather products - Mfg.								X	X	
Legal services				X	X	X	X			
Linen and uniform supply services						X	X			
Liquor store					X	X	X			
Livestock sales									X	
Locksmith - Repair Services					X	X	X			
Luggage - Mfg.								X	X	
Lumber and building materials sales						X	X			
Lumberyard							X		X	
Machine and welding shops							X		X	
Machine tools - Mfg.								X	X	
Mail order office				X	X	X	X			
Management consultants				X	X	X	X			
Manufactured home and recreational vehicle sales						X	X			
Manufactured home park		A								515.186
Manufactured or mobile homes: Class A		X	X							515.075
Manufactured or mobile homes: Class B		X								515.076
Manufactured or mobile homes: Class C		X(3)								515.076
Manufactured or mobile homes: Class D (3-18-96)		X(9)	X(9)							515.075
Manufactured or mobile homes: Class E (3-18-96)		X(9)								515.076
Manufacturer's showrooms - Mfg.						X	X	Y	Y	
Marinas and dry storage facilities	A	A	A	A	X	X	X			515.175
Meatpacking plants - Mfg.							X		X	
Medical and dental labs				X	X	X	X			

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Use	R-1	R-2	R-3	O-I	C-1	C-2	C-3	E-1	E-2	See Section
Medical and dental clinics				X	X	X	X			
Membership Organizations	A	A	A	X	X	X	X			515.192
Metal fabricating plants - Mfg.								X	X	
Miniature golf - Services						X	X			
Mining of earth products (other)									A	515.176
Mining of earth products (sand, soil, clay)		A	A					A	A	515.176
Mini-warehouse						X	X	X	X	515.099
Monument sales						X	X			
Monument works and sales- Mfg.							X	X	X	
Motor Vehicle Repair - Minor					X	X	X			
Motor Vehicle Repair - Major						X(7)	X(7)		X(8)	
Movie theaters (drive-in)						X	X			515.098
Movie theaters (indoor)						X	X			
Municipal garages						X	X	X	X	
Museums	A	A	A	X	X	X	X			515.169
Music stores						X	X			
Music studios				X	X	X	X	X	X	
News syndicates				X	X	X	X			
Newsstands					X	X	X			
Novelty and souvenir shops					X	X	X			
Nurseries/Landscaping businesses - Commercial		A			X	X	X	X	X	515.183
Nursing, convalescent and extended care facilities		A	A	X	X	X	X			515.177
Office equipment stores						X	X			
Oil and gasoline bulk storage								X	X	
Open storage						X	X			515.061
Optician and optical supply stores				X	X	X	X			
Outdoor Seasonal Sales	X	X	X	X	X	X	X			515.103
Paint and wallpaper stores.						X	X			
Paints, varnishes, finishes - Mfg.								X	X	
Paper goods - Mfg.								X	X	
Par-3 golf						X	X	X		
Parking-off-street	X(5)	X(5)	X(5)	X	X	X	X			
Parks and playgrounds	X	X	X	X	X	X	X	X	X	
Pasturage	X	X	X	X	X	X	X	X	X	
Pawnshops						X	X			
Personnel services				X	X	X	X			
Pet shops.						X	X			
Pharmaceuticals - Mfg.								X	X	
Photocopying services				X	X	X	X			
Photo finishing laboratories				X	X	X	X			
Photography studio				X	X	X	X			
Pillow - Mfg.								X	X	
Places of Assembly						X	X			
Planning mills - Mfg.								X	X	
Plastic products - Mfg.								X	X	
Plumbing and heating supplies						X	X	X	X	
Precision Instruments - Mfg.								X	X	
Processing Plants - Mfg.								X	X	
Professional Residential Facility		A	A	X	X	X	X			515.197
Public relations services					X	X	X			
Public service facilities	A	A	A	A	A	A	X	X	X	515.178
Public use facilities	A	A	A	X	X	X	X	X	X	515.179

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Use	R-1	R-2	R-3	O-I	C-1	C-2	C-3	E-1	E-2	See Section
Public utility facility	X	X	X	X	X	X	X	X	X	
Publishing and printing						X	X	X	X	
Radio and television receiving antenna dish, accessory	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Radio and television sales						X	X			
Radio and television studio						X	X			
Radio frequency test facility		A					A	A	A	515.185
Railroad classification yard								X	X	
Real estate services				X	X	X	X			
Recreational fish lake or pond (12-21-98)		A	A	X	X	X	X	X	X	515.191
Refineries - Mfg.									X	
Rehabilitation center				X	X	X	X			
Rental and leasing of light equipment						X	X			
Rental of domestic vehicles						X	X	X	X	
Research activities				X		X	X			
Residential development sales office; model dwelling unit	X	X	X							515.093
Reupholstery						X	X	X	X	
Roadside stand: Commercial		A	A	X	X	X	X			515.180
Roadside stand: Residential	X	X	X							
Rubber products - Mfg.								X	X	
Saddleries					X	X	X			
Sanitarium and mental institutions						X	X			
Sawmills (5-6-96)		A					X		X	515.187
Schools (elementary, middle, high)	X	X	X	X	X	X	X	X	X	
Seamstress shop				X	X	X	X			
Secondhand stores and swap shops						X	X			
Service station.						X	X			
Sheet metal shops - Mfg.							X	X	X	
Shoe repair and shining					X	X	X			
Shoe stores						X	X			
Sign Shop						X	X	X	X	
Slaughterhouse							X	X	X	
Small motor repair						X	X			
Sporting goods						X	X			
Springs - Mfg.								X	X	
Stable	A	A	A							515.181
Surveyors				X	X	X	X			
Tailoring and dressmaking shops				X	X	X	X			
Technical Schools					X	X	X			
Telecommunications Tower (12-16-96)		A	A	A	X(10)	X(10)	X(10)	X(10)	X(10)	515.188
Temporary Use/Special Event	X	X	X	X	X	X	X	X	X	515.102
Textile finishing and dyeing - Mfg.								X	X	
Tire recapping shops							X	X	X	
Tobacco products - Mfg.								X	X	
Tobacco shops						X	X			
Tower Structure - Alternate (12-16-96)	X(10)	X(10)	X(10)	X(10)	X(10)	X(10)	X(10)	X(10)	X(10)	515.101
Trading stamp redemption stores						X	X			
Transfer companies								X	X	
Transportation and heavy equipment - Mfg.								X	X	
Truck terminal								X	X	
Truck, farm equip., or heavy equip. sales & service							X	X	X	
Upholstering shops - Mfg.							X	X	X	
Utility company operation centers						X	X	X	X	

Use	R-1	R-2	R-3	O-I	C-1	C-2	C-3	E-1	E-2	See Section
Variety stores.					X	X	X			
Vending companies						X	X	X	X	
Warehouse						X	X	X	X	
Watch, clock and jewelry repair						X	X	X	X	
Wholesale distribution						X	X	X	X	
Wooden box factories - Mfg.								X	X	
Woodworking shops - Mfg.							X	X	X	
Zoos		A				X	X	X	X	515.194

**Table 515-2A Schedule of Area, Height, and Placement Regulations for Single-Family Detached Residential**

<sup>1</sup> Standard 1 applies to all lots in a Subdivision (as defined in Section 514.002 of the Subdivision Ordinance) consisting of cumulatively five or fewer new lots created after the effective date of these regulations unless public road construction is required. The residual tract of land shall be included in counting the total number of lots unless the residual tract is a minimum of 2 acres and/or a residential structure exists on the tract. If public road construction is required, then Standard 2 applies. Standard 1 lots are not subject to the standards of Table 515-2C. **Lots created prior to the effective date of Table 515-2A Schedule of Area, Height, and Placement Regulations for Single-Family Detached Residential shall adhere to Standard 1 required yards, maximum lot coverage and maximum permitted building height.**

<sup>2</sup> Standard 2 applies to all lots in a Subdivision (as defined in section 514.002 of the Subdivision Ordinance) consisting of cumulatively greater than five lots created after the effective date of these regulations. Standard 2 lots are subject to the standards of Table 515-2C.

<sup>3</sup> Lots must meet the lot depth/width ratio requirements of Section 514.037 (A) of the Subdivision Ordinance.

<sup>4</sup> Lots are subject to Section 515.240 of the Zoning Ordinance: Watershed Protection District, where applicable.

Note: Public water and/or sewer means water and/or sewer provided by a municipal or County system.

Table 515-2A was adopted September 7, 1999, with an effective date of 8:00 a.m., September 8, 1999.

**Table 515-2B Schedule of Area, Height, and Placement Regulations for Two-Family Detached Residential**

<sup>1</sup> Standard 1 applies to all lots in a Subdivision (as defined in Section 514.002 of the Subdivision Ordinance) consisting of cumulatively five or fewer new lots created after the effective date of these regulations unless public road construction is required. The residual tract of land shall be included in counting the total number of lots unless the residual tract is a minimum of 2 acres and/or a residential structure exists on the tract. If public road construction is required, then Standard 2 applies. Standard 1 lots are not subject to the standards of Table 515-2C. **Lots created prior to the effective date of Table 515-2B Schedule of Area, Height, and Placement Regulations for Two-Family Detached Residential shall adhere to Standard 1 required yards, maximum lot coverage and maximum permitted building height.**

<sup>2</sup> Standard 2 applies to all lots in a Subdivision (as defined in section 514.002 of the Subdivision Ordinance) consisting of cumulatively greater than five lots created after the effective date of these regulations. Standard 2 lots are subject to the standards of Table 515-2C.

<sup>3</sup> Lots must meet the lot depth/width ratio requirements of Section 514.037 (A) of the Subdivision Ordinance.

<sup>4</sup> Lots are subject to Section 515.240 of the Zoning Ordinance: Watershed Protection District, where applicable.

Note: Public water and/or sewer means water and/or sewer provided by a municipal or County system.

Table 515-2B was adopted September 7, 1999, with an effective date of 8:00 a.m., September 8, 1999.

**§ 515.037 ACCESSORY STRUCTURES.**

Accessory structures in a residential zoning district shall conform to the following regulations, except otherwise provided in this chapter:

(A) Accessory structures shall not exceed ~~15 feet in height~~ the maximum permitted height for the zoning district the property is located in.

(B) Accessory structures shall not be erected in any required front yard, except for fences not over six feet in height.

(C) Accessory structures may occupy required side yards ~~provided that such structures are more distant from the street than any part of the principal building on the same lot and any part of the principal building on any lot abutting the required side yard~~; provided, however, that such accessory structures are not closer than ten feet from any side lot line.

(D) Accessory structures may occupy required rear yards provided that such structures do not occupy more than 35% of the required rear yard and are not closer than five feet to any rear lot line.

(E) No part of any accessory structure shall be located in the required front yard of any corner lot in a residential district.

(F) Manufactured homes shall not be used as accessory structures.  
(77 Code, App. C, §6.4) (Ord. passed 3-20-89; Am. Ord. passed 3-18-96) Penalty, see §15.999

#### **§ 515.075 MANUFACTURED HOUSING APPEARANCE CRITERIA.**

All doublewide and multi-sectioned (Class A) manufactured homes in R-2 and R-3 Residential Districts shall meet the following appearance criteria:

(A) Length-width ratio. The main portion of the building shall have a length not exceeding four times the building width.

(B) Roof construction and pitch. The pitch of the main roof of the building shall have a minimum rise of 2 feet for each 12 feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in standard residential construction.

(C) Exterior finish. The exterior siding shall consist predominantly of vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(D) Placement of homes: All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site. On corner lots the side with the greatest road frontage shall be considered the front. On cul-de-sacs the home shall be sited with the front of the home being parallel to the street access.

(E) Under skirting and permanent steps.

(1) All doublewide and multi-sectioned manufactured homes in the R-2 and R-3 Residential District shall be permanently placed on a brick, concrete block or other masonry foundation. The foundation shall be continuous and unpierced except for ventilation as required by the State of North Carolina Regulations for Manufactured/Mobile Homes.

(2) All doublewide and multi-sectioned manufactured homes which are placed on rental lots in an R-2 Residential District shall have the entire perimeter of each home enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina Regulations for Manufactured/Mobile Homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry, concrete block masonry; natural or synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturers specifications (3/18/96).

(3) ~~All doublewide and multi-sectioned Class A~~ manufactured homes shall have either a deck or porch with steps. This structure shall be located in front of the home. The minimum square footage shall measure at least 36 square feet. If the homeowner chooses to construct the deck or porch larger than 36 square feet, it must meet Volume VII of the North Carolina Residential Building Code. The foundation shall be constructed of materials compatible with the masonry underpinning on the outer perimeter of the foundation. All steps, decks, porches, entrances shall be installed and constructed in accordance with the standards set by the State of North Carolina Regulations for Manufactured/Mobile Homes or when applicable, Volume VII of the North Carolina Residential Building Code.

(F) Chassis and tongue removal. The towing tongue shall be removed upon final placement of unit, under skirted or screened with shrubbery. Such shrubbery shall be of a height to ensure a total visual barrier of the towing apparatus and maintained so as to continue their effectiveness.

('77 Code, App. C, ??23) (Ord. passed 3-20-89; Am. Ord. passed 6-18-90; Am. Ord. passed 12-17-90; Am. Ord. 2-20-95; Am. Ord. passed 3-18-96) Penalty, see ?15.999

#### **§ 515.076 CLASS B MANUFACTURED HOME REQUIREMENTS.**

All singlewide (Class B) manufactured homes in the R-2 Residential District shall meet the following appearance criteria:

(A) Exterior finish. The exterior siding shall consist predominantly of vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint), wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

(B) Roof construction and pitch. The roof shall be designed to have a minimum rise of 2 feet for each 12 feet of horizontal run and finished with a type of shingle that is commonly used in standard residential construction.

(C) Placement of homes. All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site. On corner lots the side with the greatest road frontage shall be considered the front. On cul-de-sacs the home shall be sited with the front running parallel to the street access.

(D) Chassis and tongue removal. The towing tongue shall be removed upon final placement of unit, under skirted or screened with shrubbery. Such shrubbery shall be of a height to ensure a total visual barrier of the towing apparatus and maintained so as to continue their effectiveness.

(E) Under skirting, decks, and permanent steps.

(1) All singlewide (~~Class B~~) manufactured homes in an R-2 Residential District shall have the entire perimeter of each home enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina Regulations for Manufactured/Mobile Homes.

(a) Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry; concrete block masonry; natural or synthetic stone masonry; masonite siding; or vinyl sidings. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.

(b) The under skirting shall be vented in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes.

(2) All ~~Class B~~ (~~singlewide~~) manufactured homes shall have either a deck or porch, with steps. This structure shall be located in the front of the home. The minimum square footage shall measure at least 36 square feet. If the owner constructs a deck or porch over 36 square feet, it must meet Volume VII of the North Carolina Residential Building Code. All steps, decks, porches, entrances shall be installed and constructed in accordance with the standards set by the State of North Carolina Regulations for Manufactured/Mobile Homes, or when applicable, Volume VII of the North Carolina Residential Building Code.

('77 Code, App. C, ??24) (Ord. passed 3-20-89; Am. Ord. passed 4-2-90; Am. Ord. passed 6-18-90; Am. Ord. passed 12-17-90; Am. Ord. passed 3-18-96) Penalty, see ?15.999

**~~§ 515.102 – 515.104 Reserved. (11-16-98)~~**

**§ 515.102 TEMPORARY USES/SPECIAL EVENT**

The following standards shall be used in deciding applications for approval of this use:

- (A) The purpose of this section is to establish general guidelines for a Temporary Uses/Special Event Permit on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use/special event, approval of a Temporary Use/Special Event Permit by the Catawba County Planning & Community Development Department is required per Section 515.257 (B).
- (B) The applicant must submit a site plan, drawn to scale with a description of proposed use, hours of operation, proposed number of people, location of parking, driveways, and any other pertinent information.
- (C) The following standards must be met when issuing a Temporary Use/Special Event Permit.
  - 1. If not on the applicant's privately owned property, the applicant must provide written approval of the temporary use from the property owner.
  - 2. The location of the temporary use/special event shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use/special event and impact upon traffic circulation in the area.
  - 3. Adequate off-street parking shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
  - 4. Display areas and/or temporary structures shall comply with the required yard setbacks. The temporary use/special event shall be located so as not to interfere with the sight triangle of any intersection of roads or streets.
  - 5. Only one Temporary Use/Special Event shall be permitted for a single parcel of land at any given time.
  - 6. Any applicable permits from the North Carolina Department of Transportation.
  - 7. Signage for this type of use shall be permitted only within the time frame for which the temporary use/special event is permitted. All signs must comply with Chapter 513 of Catawba County Code.
  - 8. The time frame for temporary use/special events shall not exceed 21 days and in no case more than 4 times in a calendar year.
  - 9. Compliance with Catawba County Environmental Health regulations regarding sewage disposal.
- D. If a particular temporary use/special event is listed in the Ordinance, the Administrator shall have the authority to grant a temporary use/special event permit for a "similar and compatible use". Determination of what constitutes similar and compatible shall be made by the Zoning Administrator.

**SECTION 515.103 OUTDOOR SEASONAL SALES.**

Such sales are permitted in all nonresidential zoning districts as a use by right subject to the standards of the underlying zoning district. Outdoor seasonal sales shall be permitted in the R-1, R-2, and R3 Residential Districts subject to the following standards and conditions:

- (A) Any operator of a seasonal sales use must receive a permit from the Zoning Administrator which describes the type of sales involved and the duration of the sales operation.

- (B) Such sales shall not operate more than a total of 45 days out of the year. The owner of the seasonal sales lot shall be required to maintain an account of the days of sales operations and shall make such records available upon request to the Planning & Community Development Department.
- (C) The use shall have direct access to an arterial or collector street.
- (D) The use shall not involve the construction of a permanent building.
- (E) Any signage, which identifies the use, shall be in accordance with the underlying zoning district.
- (F) The use may only be located on a vacant lot or on a lot occupied by a nonresidential use such as a business, church, or school. The use shall not operate as an accessory to a principal residential use on a lot.
- (G) The applicant, if different from the property owner, must furnish written approval from the owner of the property before a permit is issued.
- (H) Five off-street parking spaces shall be provided for the use. Seasonal sales located on commercial properties shall not utilize more than 20% of the required parking spaces provided on the site.
- (I) All parking and sales must be located outside of the public right of way and sight triangle.

#### **SECTION 515.104 LANDFILL - BENEFICIAL FILL**

Beneficial Fill Landfills shall be permitted in the R-1, R-2, R-3, C-3, E-1 and E-2 Districts subject to the following standards and conditions:

- (A) The land shall be used for the disposal of inert debris strictly limited to concrete, brick, concrete block, used asphalt pavement, uncontaminated soil, rock or gravel. Construction and demolition debris or land-clearing debris are not beneficial fill material and cannot be placed in a Beneficial Fill Landfill.
- (B) Applicant must prepare a surveyed map of the property. The survey map shall be either (8 1/2 inches by 11 inches) or (8 1/2 inches by 14 inches). The map must show:
  - 1. Name of owner, property lines, north arrow, scale, bearings and distances taken from the deed.
  - 2. Disposal area delineated
  - 3. Certification and seal of registered land surveyor or registered engineer.
  - 4. Review Officers' Certificate to be signed by a County Review Officer.

A Memorandum of Beneficial Fill Landfill along with an attached survey map delineating the Beneficial Fill Landfill must be recorded at the Catawba County Register of Deeds Office. After the documents are recorded, a copy must be furnished to the Catawba County Planning and Community Development office.

- (C) Adequate soil cover must be applied monthly and the final cover must be a minimum of two feet of compacted earth properly graded with establishment of suitable vegetative cover.
- (D) No excavation is allowed. The landfill site can only be used for the purpose of improving land use potential.

#### **§ 515.178 PUBLIC SERVICE FACILITY**

The following standard shall be used in deciding applications for approval of the this uses: ~~shall be restricted to pumping stations, lift stations, telephone exchanges, electrical transmission, distribution substation locations, and similar uses required to serve the needs of the immediate residential, office, and commercial districts. Specifically excluded are energy generation plants, freight and marshaling yards, terminals, and similar uses.~~

- (A) Operating requirements shall necessitate locating in the district.
- (B) Buffers and screening shall be provided as required by Section 515.060.
- (C) Front, rear and side setbacks shall be a minimum of 50 feet.



- (D) Whenever possible, such facilities shall be designed and constructed to have the same height and bulk as adjacent structures.
- (E) The facility shall have direct access to a collector or arterial street as shown on the thoroughfare plan.

**§ 515.182 KENNELS.**

The following standards shall be used in deciding applications for approval of this use:

- (A) Minimum lot size of ~~two~~ ten acres.
- (B) All activities, with the exception of animal exercise areas, shall be conducted within an enclosed building.
- (C) Exercise areas shall observe a 100-foot setback from all lot lines. A 300-foot separation shall be maintained between the kennel, including exercise area, and any residential property line.
- (D) The disposal methods for wastes generated shall be reviewed and approved by the Environmental Health Section, Catawba County Health Department.

('77 Code, App. C, § 11.9V.) (Ord. passed 3-20-89) Penalty, see § 515.999

- (E) A Group 2 Buffer shall be provided per Section 515.060 Buffers and Screening

**§ 515.192 MEMBERSHIP ORGANIZATION**

The following standards shall be used in deciding applications for approval of this use:

- (A) This use shall be considered, for the purpose of Section 515.060: Buffers and Screening to be in Group Two and shall meet the buffer provisions of said section.
- (B) This site shall have direct access to an arterial or collector street, as shown on the Thoroughfare Plan.
- (C) The light source of outdoor lighting fixtures shall not be directly visible from property outside the zoning lot on which the fixture is located. Additionally, the maximum illuminated permitted as the zoning lot line shall be 0.20 foot candles.

- (D) Paved parking spaces required shall be as follows:

1 space for each three persons able to use the facility at its maximum capacity.

Plus, 10 waiting spaces.

Plus, 1 parking space for each two employees.

- (E) All required yard setbacks shall be 40 feet.

- (F) Signage shall be limited to one non-illuminated sign with a maximum area of sixteen square feet.

**§ 515.193 Land Clearing and Inert Debris (LCID) Landfill**

The following standards shall be used in deciding applications for approval of this use:

- (A) Designated area of landfill must be two acres or less. (LCID Landfills larger than two acres require a state permit).
- (B) The facility may only be used for the purpose of disposal of land-clearing debris, concrete, brick, concrete block, uncontaminated soil, used pavement asphalt, gravel or rock, untreated or unpainted wood, or yard waste. The facility may not be used for the disposal of construction or demolition debris.
- (C) Landfill must be located out of 100-year floodplain and not in a wetland.

- (D) 100 feet from any property line.
- (E) 100 feet from any residential dwelling, commercial or public building.
- (F) 100 feet from any well.
- (G) 50 feet from all surface waters.
- (H) Landfill must be placed above the seasonal high groundwater table.
- (I) Owner must furnish soil borings for determining adequate separation from groundwater.
- (J) Facility must be adequately secured by means of gates, chains, berms, or fences, etc.
- (K) A sign (with minimum letter size of four inches) must be posted at the entrance stating (Authorized Persons Only and No Trespassing-Keep Out.
- (L) Prepare a surveyed map of the property. The survey map shall be either (8 1/2 inches by 11 inches) or (8 1/2 inches by 14 inches). The map must show:
  - 1. Name of owner, property lines, north arrow, scale, bearings and distances taken from the deed.
  - 2. Disposal area delineated
  - 3. Certification and seal of registered land surveyor or registered engineer.
  - 4. Review Officers' Certificate to be signed by a County Review Officer.

A Memorandum of the Land Clearing and Inert Debris Landfill along with an attached survey map delineating the landfill must be recorded at the Catawba County Register of Deeds Office. After the documents are recorded, a copy must be furnished to the Catawba County Planning and Community Development office.

- (M) Adequate soil cover must be applied monthly and the final cover must be a minimum of two feet of compacted earth properly graded with establishment of suitable vegetative cover.
- (N) The permit shall be issued for not more than five years.
- (O) A LCID Landfill permit must be obtained from the Catawba County Dept. of Health, Environmental Health Section per Section 505.041 of the Solid Waste Ordinance.
- (P) The facility must meet, be permitted and operated in accordance with the North Carolina Solid Waste Managements Rules, 15A NCAC 13B.

#### **§ 515.194 ZOOS**

The following standards shall be used in deciding applications for approval of this use:

- (A) Minimum lot size of ten (10) acres.
- (B) This use shall be considered, for the purpose of Section 515.060: Buffers and Screening to be in Group Two and shall meet the buffer provisions of said section.
- (C) This site shall have direct access to an arterial or collector street, as shown on the Thoroughfare Plan.
- (D) The light source of outdoor lighting fixtures shall not be directly visible from property outside the zoning lot on which the fixture is located. Additionally, the maximum illuminated permitted as the zoning lot line shall be 0.20 foot candles.
- (E) Paved parking spaces required shall be as follows:
  - 1 space for each three persons able to use the facility at its maximum capacity.

Plus, 10 waiting spaces.

Plus, 1 parking space for each two employees.

- (F) All required yard setbacks shall be 100 feet.
- (G) Signage shall be limited to one non-illuminated sign with a maximum area of sixteen square feet.
- (H) No more than 25% of any area under roof, exclusive of animal containment areas, may be dedicated to retail sales.
- (I) No external evidence of retail sales shall be permitted.

#### **SECTION 515.195 ACCESSORY DWELLING UNIT/GUEST HOUSE**

The following standards shall be used in deciding applications for approval of this use:

- (A) Must comply with all requirements of the Catawba County Health Department, Environmental Health Section, On-Site Sewage and Well Regulations.
- (B) A detached accessory dwelling unit shall be permitted as an accessory to any detached single-family dwelling unit. The accessory dwelling unit shall be clearly subordinate to the principal structure.
- (C) No more than one accessory dwelling unit shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
- (D) The accessory dwelling unit shall be owned by the same person as the principal dwelling.
- (E) Accessory dwelling units shall adhere to the Maximum Permitted Height requirement for the zoning district the unit is to be located in.
- (F) An accessory dwelling unit shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling unit is accessed from a different road or street than the principal structure.
- (G) An accessory dwelling unit shall not exceed 650 square feet or 50% of the gross heated floor area of the principal dwelling. The accessory dwelling unit may be combined with a garage, workshop, etc.
- (H) An accessory dwelling unit shall adhere to the setbacks for the district they are to be located in.
- (I) The accessory dwelling unit must comply with all applicable sections of the North Carolina Residential Building Code.

#### **SECTION 515.196 MUSEUMS**

The following standards shall be used in deciding applications for approval of this use:

- (A) The use shall have direct access to an arterial or collector street.
- (B) A minimum lot size of 40,000 square feet shall be required.
- (C) Retail sales shall be limited to 5% of the total usable floor area of the use.
- (D) No external evidence of retail sales shall be permitted.
- (E) The light source of outdoor lighting fixtures shall not be directly visible from property outside the zoning lot on which the fixture is located. Additionally, the maximum illuminated permitted as the zoning lot line shall be 0.20 foot candles
- (F) Signage shall be limited to one non-illuminated sign with a maximum area of sixteen square feet.

- (G) This use shall be considered, for the purpose of Section 515.060: Buffers and Screening, to be in Group One and shall meet the buffer provisions of said section.
- (H) Parking spaces required shall be two parking spaces per 1,000 square feet of gross floor area in accordance with Section 515.140 - 515.144. Parking spaces shall be paved unless the Board of Adjustment determines that graveled spaces will be appropriate in the planned setting.

#### **SECTION 515.197 PROFESSIONAL RESIDENTIAL FACILITY**

The following standards shall be used in deciding applications for approval of this use:

- (A) All professional residential facilities shall have direct access to a collector or arterial street, as shown on the thoroughfare plan.
- (B) Minimum lot size shall be 30,000 square feet with a minimum frontage of 150 feet.
- (C) Front, rear, and side setbacks shall be a minimum of 50 feet.
- (D) Buffers and screening shall be as required by 515.060.
- (E) Signs shall be limited to one non-illuminated sign with a maximum area of six square feet. The sign shall be attached either flush to the wall of the building or else shall be located at ground level with a maximum height of four feet from the ground. No other external evidence of the use for identification or advertising purposes shall be permitted.
- (F) Evidence that all the requirements of the state have been and shall continue to be met.

#### **§ 515.257 ZONING COMPLIANCE PERMIT; CONTENTS OF APPLICATION.**

- (A) It shall be unlawful to begin the excavation for the construction, the moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure, **with any dimension greater than twelve (12) feet, costing more than \$500 or exceeding 100 square feet in area,** until the Zoning Administrator has issued for such work a zoning compliance permit. The zoning compliance permit shall include a determination that plans, specifications, where necessary, and the intended use of such structure and land do, in all respects, conform to the provisions of this chapter. Prior to the issuance of a zoning compliance permit, the Zoning Administrator shall consult with applicable agencies, including, but not limited to, the County Engineer, the County Department of Health, State Department of Transportation, and State Department of Natural Resources and Community Development. **Zoning Compliance Permits shall expire 6 months from the date of issuance unless a valid building permit has been issued for the work.**
- (B) Also, it shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a zoning compliance permit, including a determination that the proposed use does, in all respects, conform to the provisions of this chapter.
- (C) In all cases where a building permit is required, application for a zoning compliance permit shall be made prior to the application for a building permit; in all other cases, it shall be made prior to that date when a new or enlarged use of a building or lot or part thereof is intended to begin.
- (D) All zoning compliance permit applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator. ('77 Code, App. C, 15.4)
- (E) Every application for a zoning compliance permit for site clearance, excavation, grading, filling, construction, moving, alteration, or change in type of use or type of occupancy shall be accompanied by a written statement and plans or plats, drawn to scale, showing the following in sufficient detail to enable the zoning administrator to ascertain whether the proposed work or use is in conformance with the provisions of this chapter:

- (1) The actual shape, location, and dimensions of the lot; if the lot is not a lot of record, sufficient data to locate the lot on the ground.
  - (2) The shape, size, and location of all buildings, or other structures, to be erected, altered, or moved, and of any other buildings, or other structures already on the lot.
  - (3) The existing and intended use of the lot and of all structures upon it.
  - (4) Such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this chapter are being observed.
- ('77 Code, App. C, ?15.5) (Ord. passed 3-20-89) Penalty, see ?15.999

This 17<sup>th</sup> day of September, 2001.

Marie H. Huffman, Chair  
Catawba County Board of Commissioners

- e. Proposed code amendments to Chapter 506: Abandoned & Junk Vehicles Ordinance Section 506.05; definitions.

Zoning Administrator Donna C. Jones said the Planning and Community Development Department and Sheriff's Department enforce the Abandoned and Junked Vehicle Ordinance. Staff has reviewed this ordinance and believes that the ordinance can be better managed by making the changes. She said the Planning Commission unanimously recommended the changes to junk vehicles that any motor vehicle that does not display a current North Carolina license plate and that is partially dismantled or wrecked or cannot be self-propelled or moved in the manner in which it originally was intended to move or is more than five years old and appears to be worth less than \$500.

Chair Huffman opened the public hearing by saying this was a public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Huffman closed the public hearing.

Commissioner Ikerd made a motion to approve the following amendments to the Abandoned & Junk Vehicles Ordinance. The motion carried unanimously.

BE IT ORDAINED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the Catawba Code of Ordinance is hereby amended as follows:

## **CHAPTER 506: ABANDONED AND JUNKED VEHICLES**

### **§ 506.05 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED VEHICLE.** Any motor vehicle that is:

- (1) Left on public grounds or county-owned property in violation of a law or ordinance prohibiting parking;
- (2) Left for longer than 24 hours on property owned or operated by the county;
- (3) Left for longer than two hours on private property without the consent of the owner, occupant or lessee of the property;
- (4) Left for longer than seven days on public grounds.

**COUNTY HEALTH DIRECTOR.** The Health Director for the county.

**COUNTY ZONING ADMINISTRATOR.** The Zoning Administrator for Catawba County.

**JUNK VEHICLE** Any motor vehicle that does not display a current North Carolina license plate and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than ~~\$500~~100.

**MAGISTRATE.** The magistrate for the County in the warrant issuing office in the county seat, or in any other office designated to receive requests by the chief district court judge.

**MOTOR VEHICLE.** Any machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

**SHERIFF.** The Sheriff of the county.

('77 Code, ?15-49) (Ord. passed 4-6-87)

This 17<sup>th</sup> day of September, 2001.

Marie H. Huffman, Chair  
Catawba County Board of Commissioners

6. Special guests not listed on agenda. None.
7. Appointments. None.
8. Consent agenda:

County Manager J. Thomas Lundy presented the following consent agenda items:

- a. Lawsuit Against HCFA to Compel Issuance of Ambulance Reimbursement Regulations.

Appropriate of \$5,199 from the enhanced emergency services account to support the NC County Commissioners Association in a lawsuit against the US Health Care Financing Administration (HCFA) to compel them to implement the proposed national ambulance fee schedule. For several years Catawba County has lobbied HCFA to level the playing field on how ambulance trips are reimbursed by Medicare. Currently EMS services are reimbursed only \$106 per trip, a third of the national average of \$320. North Carolina is also one of only two states that do not receive in-county mileage reimbursement on top of the trip reimbursement. HCFA has continued to drag its feet on implementing the congressionally mandated regulations which were to go into effect January 2001. Many counties (Catawba included) have worked with the County Commissioner Association to jointly pursue legal action against HCFA. In June 2001, the NCACC Board of Directors took action to engage legal counsel and pursue a lawsuit. The cost of the action is estimated to be \$125,000. The Association is asking each county to contribute to this effort and has proposed cost sharing based on the volume of ambulance trips. Catawba County's share is \$5,199. If HCFA will implement the mandated fee schedule, Catawba County would realize an estimated benefit of \$742,236 per year.

- b. Revision of Bid Awarded for the Construction of Little Road Water Line Project.

At the November 6, 2000 Board of Commissioners meeting, the Board awarded a bid and a contract to Hickory Sand Co., Inc. in the amount of \$341,938. The project as stated to the Board was to serve as an interconnect between the City of Conover system and the southeastern Catawba County water system. With the execution of the Agreement between Catawba County and the City of Newton for water service to southeastern Catawba County, the project needed to be rerouted from Little Road onto Boggs Road and Keisler Dairy Road. The Little Road project included 10,480 linear feet of 12-inch water line; the same unit pricing will be applied to Keisler Dairy Road. Under this existing contract approximately 14,000 linear feet will be installed at the unit price of this existing contract, leaving approximately 6,000 linear feet of line to be installed for the completion of the project at an estimated cost of \$85,000. A change order for this remaining portion is allowable under North Carolina law. Appropriate funds from Unspecified Water & Sewer Projects Fund for contingencies, not to exceed 30 percent of the original bid in the amount of \$85,000.

Transfer from	
415-431100-861500-20001	\$85,000
Unspecified Water & Sewer Projects	
To	
415-431100-861500-26008	\$85,000
Keisler Dairy Rd Water Line	

c. Disposal of Surplus Real Property.

The County-owned real property is located in the Sherrills Ford area and contains 0.13 acres on the end of a dead end road off of State Road 1848 and was obtained through tax foreclosure.

**Resolution No. 2001-271**  
**Disposal of surplus county owned real estate**  
**And notice of sale of said real estate located in Sherrills Ford, NC**

WHEREAS, Catawba County owns property located on the end of a dead end street that connects with Sherrills Ford Road and is located near the Southern Norfolk railroad in Sherrills Ford, NC, Tax Map Number 4609-03-22-0079, recorded in Deed Book 1261, page 63 in the Office of the Register of Deeds, and being described as follows:

Being in Mountain Creek township, Catawba County, N.C., and being more particularly bounded and described as follows:

BEING the full contents of Lots Numbers 32 and 33. Section No. 2 of the Cletus Sherrill property as shown by plat thereof duly recorded in the Office of the Register of Deeds for Catawba County, N.C., and being more particularly described as follows:

BEGINNING at a point South 37° West 82 feet from a Mulberry Tree near the branch on Butler Sherrills line, and running thence with Butler Sherrills line, South 37° West 200 feet; thence North 49° 40' West 650 feet to a point in the margin of an unnamed 60 foot street; thence North 37° East 200 feet; thence South 49° 40' East 650 feet to the point of BEGINNING.

Being a portion of the property conveyed to the grantors by deed recorded in book 368, at Page 126 in the Office of the Register of Deeds for Catawba County, N.C.

For a more particular description, see deed from T. Chester Sherrill and wife, Myrtle Sherrill, to Lois Elliott, recorded in Book 556 at page 555, in the Office of the Register of Deeds in Catawba County.

WHEREAS, Catawba County has no present need or any foreseeable future use of this property; and

WHEREAS, the negotiated offer, advertisement, and the upset bid process as set forth in NCGS 160A-269 is recommended; and

WHEREAS, John S. Pollhammer has tendered an offer to Catawba County to purchase the above described property for \$600.

WHEREAS, the Catawba County Board of Commissioners has proposed to accept this offer.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the above described property located in the Mountain Creek Township is hereby declared surplus, and the Catawba County Board of Commissioners hereby declares its intent to accept the offer made by John S. Pollhammer to purchase the property for \$600.
2. That Catawba County will sell by negotiated offer, advertisement, and upset bid in accordance with NCGS 160A-269 the real estate herein described surplus and not necessary or needed for public purpose.

3. That public notice is given that Catawba County proposes to sell the said property for \$600 and required that John S. Pollhammer deposit 5% of the bid. Further, by notice within ten days any persons may raise the bid by not less than 10% of the first \$1,000 and 5% of the remainder.

When such bid is raised, the bidder shall deposit with the Purchasing Agent 5% of the increased bid. Further all advertisements, and bids shall be conducted in a manner described by NCGS 160A-269.

Resolved this 17th day of September, 2001.

CATAWBA COUNTY BOARD OF COMMISSIONERS  
/s/ Marie H. Huffman, Chair

ATTEST:

/s/ Thelda B. Rhoney, County Clerk

- d. Change in Appointed Map Review Officers in Accordance with SB 875.

This resolution revises the City of Claremont's list of previously appointed map review officers, to add Corey A. Teague, the new City Planner (as appointed by the Western Piedmont Council of Governments), as a Review Officer. This resolution also removes Lisa Valdez from the list of Review Officers for the City of Claremont.

**RESOLUTION NO. 2001-272**

WHEREAS, S.L. 1997-309 (SB875) made a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law was to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person or persons to serve as Review Officer to review each plat or map before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Catawba County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

WHEREAS, the Catawba County Board of Commissioners on September 30, 1997 adopted Resolution #1997-160 which included names of individuals who were appointed as Review Officers for representative jurisdictions in Catawba County; and

WHEREAS, said Resolution was recorded in the Office of the Register of Deeds in Book 2050 Pages 604 and 605 and amended resolutions were subsequently recorded; and

WHEREAS, Lisa Valdez no longer serves as the City Planner for the City of Claremont and Corey A. Teague has been appointed as the City Planner for the City of Claremont; and

WHEREAS, Mr. Teague's job responsibilities include reviewing subdivision plats and serving as a Review Officer for the City of Claremont;

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to perform the responsibilities as required for Review Officer for the planning jurisdiction as indicated in accordance with the appropriate General Statutes: City of Claremont - Corey A. Teague

BE IT FURTHER RESOLVED that a copy of this Resolution designating a new Review Officer be recorded in the Catawba County Register of Deed's Office and indexed in the names of the Review Officers.

Adopted this the 17<sup>th</sup> day of September 2001.



Attest:  
/s/ Thelda B. Rhoney, County Clerk

Commissioner Barnes made a motion to approve the consent agenda items. The motion carried unanimously.

9. Departmental Reports:

a. Planning and Development:

1. Abandonment of a portion of SR 1006 (Lookout Dam Road).

Mr. Rich A. Hoffman, Assistant Planner said the North Carolina Department of Transportation (NCDOT) is requesting a review and recommendation relating to the abandonment of maintenance of a 1,855' (.35 mile) section of SR 1006 (Lookout Dam Road). This request came to the NCDOT from Duke Energy, who owns property on both sides of the area proposed to be abandoned. The petitioner has made this request because of problems with someone using this area along Lookout Dam Road as an unpermitted dumpsite and as an access for all-terrain vehicles onto Duke's nearby Transmission right-of-way. This section is the end of Lookout Dam Road where it dead-ends into Lake Norman. This section of road does not provide access to any residences and is located near Lookout Shoals Dam. Mr. Hoffman said staff has reviewed this request and recommends that the Board of Commissioners adopt a resolution approving the request.

**Resolution No. 2001-273**  
**Requesting the Closing of a Portion of Lookout Dam Road**

WHEREAS, Duke Energy Company petitioned the North Carolina Department of Transportation (NCDOT) to abandon a portion of Secondary Road "Lookout Dam Road" (SR 1006) from the State maintenance system. The portion to be abandoned is specifically the last 1,855' (.35 mile) of Lookout Dam Road to where it dead-ends into Lake Norman; and

WHEREAS, NCDOT has submitted to the Catawba County Board of Commissioners a request for a review and recommendation for the road abandonment; and

WHEREAS, Staff has reviewed the request and has determined that no property owners would be deprived of ingress or regress.

NOW, THEREFORE BE IT RESOLVED THAT the Catawba County Board of Commissioners has reviewed this request and recommends to the North Carolina Board of Transportation for the abandonment of the last 1,855' portion of SR 1006 (Lookout Dam Road) where it dead-ends into Lake Norman.

This the 17<sup>th</sup> day of September, 2001

/s/ Marie H. Huffman, Chair  
Catawba County Board of Commissioners

Attest: /s/ Thelda B. Rhoney, County Clerk

Commissioner Barnes made a motion to adopt a resolution abandoning maintenance of a portion of the last 1,855' portion of SR 1006 (Lookout Dam Road) where it dead-ends into Lake Norman and forward recommendation and resolution to the NC Department of Transportation. The motion carried unanimously.

b. Utilities and Engineering:

1. 2001 CDBG Infrastructure Water Hook-Up Demonstration Grant. (Agreement on file in the Office of Utilities and Engineering Director.)

Utilities and Engineering Director Barry B. Edwards said at the April 16, 2001 Board of Commissioners meeting, the Board held a public hearing and approved an application for a Community Development Block Grant (CDBG) 2001 Infrastructure Hook-up Demonstration Grant in the amount of \$75,000 to provide water and/or sewer taps for low-to-moderate income households. The County received approval of the grant in July 2001 to provide taps and connections for 47 homes located in the County that is not located within a municipal boundary. He said the grant will be advertised in local newspapers to notify citizens of the availability of the funds. Staff recommends the approval of an agreement with WPCOG for the administration of the grant in an amount not to exceed \$7,000, approval of a project budget ordinance for the 2001 CDBG project and additional grant money in the amount of \$500 to be set aside for advertising and miscellaneous expenses that pertain to the project.

410-460100-627000	\$75,000
CDBG Infrastructure Hook-up Grant Revenue	
410-460100-849125-14990	\$67,500
Water Improvements CDBG	
410-460100-849117-14990	\$7,500
Administration CDBG	

Commissioner Beatty made a motion to approve the aforementioned administrative agreement with the Western Piedmont Council of Governments, the budget ordinance for the subject project, and additional grant money in the amount of \$500 to be set aside for advertising and miscellaneous expenses that pertain to the project. The motion carried unanimously.

2. Keisler Dairy Road Water Line Project, Revenue Sharing Contract with the City of Conover. (Agreement on file in the Office of Utilities and Engineering Director.)

Utilities and Engineering Director Barry B. Edwards said the Keisler Dairy Road Project evolved as part of the interconnect to provide water to the Southeastern Catawba County Service area. This project will consist of a 12-inch waterline on Keisler Dairy Road just west of the entrance to E.R. Carpenter Co. extending east along Keisler Dairy Road to Bethany Church Road then to Boggs Road, terminating at the intersection of Hagan Drive, with a meter to be installed at said intersection. Catawba County and City of Conover agree the approximate cost of projects including design, legal fees, permitting fees, tap, and line placement is \$648,000. (This \$648,000 includes the three segments of waterline forming the SECC Interconnect.) The County will design and construct the project and shall secure all necessary rights-of way, permits, and permission from all persons, firms, corporations, and other owners for the construction of the project. He said staff requests the Board approve and execute agreement between the County and the City of Conover for a waterline extension under the Revenue Sharing Program.

Commissioner Ikerd made a motion to approve and execute agreement between the County and the City of Conover for a waterline extension under the Revenue Sharing Program. The motion carried unanimously.

3. Bid Award Bid #02-1002 – Landfill Compactor.

Mr. Barry B. Edwards, Utilities and Engineering Director said the Landfill needs to replace a 1994 826 Cat Compactor which burned and is under investigation. This machine has numerous hours and needs to be replaced. The landfill has used a 70,000 lbs. compactor for several years. The goal is to obtain better compaction of waste, which will save air space. They have used a variety of wheel sizes and wheel cleats to achieve better compaction and have had minimal success. Staff feels weight is the key factor to achieving compaction of waste and a large compactor will give better compaction and save air space. Therefore, the specifications for the new machine specified a 100,000 lb. machine. Bid notices were sent to twenty-nine vendors for a 100,000 lb. class wheel landfill compactor including a landfill blade. On August 15, 2001, three bids were received from the only known manufacturer's of this type of equipment. The base bid asked for the compactor to have Caron "Maximizer" wheels with extreme wear pin-on teeth. Alternate Bid #1 asked for either M-Trac Diamond (Al-Jon), Big Dog Cleats (CMI) or Catplus (Caterpillar) wheels. Alternate Bid #2 asked for standard wheels.

**September 17, 2001, MB#48**

The specifications also required a five year/7,500 hour power train; five year/10,000 hour engine and five year/10,000 hour wheel, structure and frame warranty.

<b>Bidder</b>	<b>Base Bid</b>	<b>Trade-In</b>	<b>Net Bid Warranty</b>	
<b>Road Machinery Service</b> (CMI3-90C)	\$501,191	\$70,000	\$431,191	\$20,000
<b>Al-Jon, Inc.</b> (91K)	\$509,749	\$56,250	\$453,499	\$12,000
<b>Carolina Tractor</b>	NO BID			

<b>Bidder</b>	<b>Alt #1</b>	<b>Trade-In</b>	<b>Net Bid Warranty</b>	
<b>Road Machinery Service</b> (CMI3-90C)	\$478,052	\$70,000	\$408,052	\$20,000
<b>Al-Jon, Inc.</b> (91K)	\$477,345	\$56,250	\$421,095	\$12,000
<b>Carolina Tractor</b> (Cat 836G)	\$513,334	\$60,000	\$453,334	\$41,620

<b>Bidder</b>	<b>Alt #2</b>	<b>Trade-In</b>	<b>Net Bid Warranty</b>	
<b>Road Machinery Service</b> (CMI3-90C)	\$465,452	\$70,000	\$395,452	\$20,000
<b>Al-Jon, Inc.</b> (91K)	\$462,000	\$56,250	\$405,750	\$12,000
<b>Carolina Tractor</b> (Cat 836G)	\$565,795	\$60,000	\$505,795	\$42,620

Mr. Edwards said staff spent a considerable amount of time researching the Al-Jon 91K and the Road Machinery Service CMI3-90C. Landfill and Purchasing staff have met with Road Machinery Service and have seen the equipment in operation at the Davidson County Landfill. Catawba County Landfill purchased an Al-Jon compactor in 1999. He said the County has a lot of wire in our landfill due to the fiber optic industry in the county. The Al-Jon machine is the only compactor that the landfill has not experienced wire wrap problems. When wire wrap occurs on the other equipment at the landfill, it takes three employees from one to two days to remove the wire. Al-Jon machine completely meets our specifications and has proven to be very reliable based on past experience.

Mr. Edwards said in addition, the bid specifications required a reversible radiator fan, this fan reverses the flow of air through the radiator at set intervals and blows any debris that is on the radiator off. The potential problem in not having a reversible fan is that trash can get trapped on the suction side of radiator and overheat the engine. We have required this option on all our compactors since 1996 and it has made a tremendous impact on the operation of the equipment.

Mr. Edwards said Road Machinery did not include a reversible radiator fan in their bid. They took exception stating it is not needed on the CMI equipment because they have ample ventilation in the engine compartment and a trash trap fan shroud to catch the trash. Staff contacted the manufacturer of the reversible fan and learned that a fan is manufactured for the CMI3-90C and that Road Machinery could have included the fan. Road Machinery did not meet specifications and their bid should be considered non-responsive. Al-Jon and Caterpillar included a reversible radiator fan in their bid price.

Mr. Edwards said staff recommends the bid be awarded to Al-Jon, Inc. under Alternate Bid #1 at a cost of \$477,345 which does not include the trade-in of the Cat 826C compactor. The project budget for this purchase is \$460,000. The \$17,345 in overage will be made up with current budgeted funds from the 525-350200-985000 Landfill account.

Commissioner Barnes made a motion to award the bid Al-Jon, Inc. under Alternate Bid #1 at a cost of \$477,345 which does not include the trade-in of the Cat 826C compactor and the \$17,345 in overage will be made up with current budgeted funds from the 525-350200-985000 Landfill account. The motion carried unanimously.

4. Purchase of Used Landfill Compactor.

Utilities and Engineering Director Barry B. Edwards said on May 5, 2001, a Caterpillar 826G trash compactor caught fire due to a collection of sawdust on the manifold. Damage to the compactor was excessive. The engine compartment, hood, and cab were completely burned out. After the insurance investigation, the first payment of \$185,250 was made to the County and deposited in a miscellaneous revenue account for the Landfill. The remaining cost of replacing the compactor will be paid to the County after purchasing the replacement compactor, not to exceed \$299,867. Landfill staff contacted Marcel Equipment Co., Carolina Tractor, and Road Machinery Services, but no one has been able to provide a machine for us to look at that has not been rebuilt, remanufactured, or meets the requirements for a replacement machine that was equal to the Caterpillar 826G Compactor with 6,600 hours. Landfill staff was informed on August 10, 2001, by Al-Jon, Inc. that they had received an Al-Jon 1998 model 91K with approximately 3,600 hours, and half of its original warranty was still intact. The previous owner traded it for an updated Al-Jon 2001 91K model. The machine was in excellent condition and requested that we take a look at it.

On August 23, 2001, Mr. Edwards and other Landfill staff visited the Al-Jon facility to inspect the machine. Upon inspection we found that the compactor was in excellent condition and met our requirements. Al-Jon has replaced hydraulic hoses, performed mechanical inspection, and had Caterpillar inspect the engine components. He said staff feels that the Al-Jon 1998 91K would be an excellent machine to replace the Caterpillar 1996 826G and will benefit us in several areas. The 1998 Al-Jon is a newer model, weighs 20,000 lbs. more and has fewer hours than the 1996 826G. This machine will also assist maintenance personnel considering we already own one Al-Jon 91K. He said staff discussed purchasing laws for used equipment with Purchasing Agent Debbie Anderson. Ms. Anderson informed the staff of recent changes in the State Purchasing law that allows used equipment purchasing without a formal bid process. Due to the emergency nature to replace the burned compactor and adhere to the State Solid Waste Code, the decision was made to purchase the used Caterpillar 1998 model 91K Trash Compactor. On August 23, 2001, a purchase agreement was signed with Al-Jon, Inc. for the purchase of the used trash compactor in the amount of \$315,000. The difference between the purchase price and insurance reimbursements is \$15,133. This amount is being funded through a savings on the purchase of a budgeted new trash compactor of \$38,905. Therefore, no additional monies will need to be transferred from the Solid Waste Reserve Fund.

Mr. Edwards said staff recommends the Board revise the budget to accept revenue from the North Carolina Association of County Commissioners Insurance Pool in the amount of \$299,867 and allow the expenditure for a used Landfill Compactor in the amount of \$315,000.

Appropriations

525-350200-680100	
Landfill Misc. Revenue	\$299,867
525-350200-985000	
Landfill Equipment Purchase	\$299,867

Commissioner Hunsucker made a motion to revise the budget to accept revenue from the North Carolina Association of County Commissioners Insurance Pool in the amount of The motion carried unanimously.

10. Attorneys' Report.

- a. County Attorney Robert Oren Eades said mediation in the case of Catawba County vs. Charles S. Wilfong and Jack C. Wilfong, 2000VCS3270, scheduled for September 17, 2001, was rescheduled allowing the Wilfongs time to obtain an appraisal of their property. Attorney Eades said the judge has ordered the mediation by October 25, 2001.
- b. County Attorney Eades requested and was granted a moment of personal privilege. He said when he was a little boy in the first grade there was a boy who was mean to him on the bus. Attorney Eades said he had the good fortune of having his cousin be his bus driver and his cousin helped him a lot. A

few years after that his cousin had to go to Vietnam and never recovered. His cousin, Richard Randall Moss, died today and Attorney Eades asked the Commissioners to please remember him.

11. Manager's Report.

- a. County Manager J. Thomas Lundy said the EOC was activated last Tuesday, September 11, 2001, from 10:30 a.m. until 6:00 p.m., and law enforcement personnel patrolled schools and office buildings. He said County employees have participated in blood drives and donated over \$5,000 towards relief efforts which speaks highly of the employees.
- b. Mr. Lundy said County employees have also volunteered with the building of Habitat homes this week. Employees also raised money for Habitat through two hot dog/hamburger sales during two Friday lunches.

12. Other items of business.

- a. Wastewater Treatment Plant.

Commissioner Ikerd made the following statement regarding the future building plans of the Wastewater Treatment Plant at Sherrills Ford: "As our community continues to face State-driven financial uncertainties and new mandated costs, we've been forced to \$1.2 million every year for the next five years; overcrowded schools continue to be a change some of our priorities. We are expecting Medicaid costs to increase by about concern of this Board, our three school boards and all of those involved in our educational systems; and the State has still not adopted a budget, leaving the fate of more than \$4 million in State-collected County money at risk. These financial pressures have dictated changes in our priorities. Some of the decisions this Board made as we finalized our 2001-2002 budget resulted in reduced services that will have to remain in place until the financial picture in Raleigh is more certain. With the failure of the school bond issue earlier this year, critical school building needs remain. As the State budget picture has not cleared since late June, we have placed major capital projects on hold. We have put on hold plans to expand the Justice Center and the Government Center to ease overcrowded conditions and address court and law enforcement needs. We have put on hold school classrooms and other school capital needs. I suggest we now put on hold plans to construct a wastewater treatment plant to serve the southeastern part of Catawba County. The need for sewer service will only grow larger. However, with financial uncertainty because of the budget impasse in Raleigh, and because we have critical school needs, now is not the time to dedicate additional funds to sewer service in only one area of the County. These funds need to address water and sewer lines needed countywide. We will continue discussions with other governmental units as we seek alternative, perhaps more cost effective, ways to provide municipal-quality wastewater treatment to southeastern Catawba County and, indeed, to all areas of the County. We continue to urge members of the General Assembly to act quickly to finalize a State budget. . . one that continues the rightful reimbursements sent to local governments for more than a decade. We again call on the Legislature to balance the State's budget without creating an equally serious budget crisis for each and every local government in North Carolina and provide us with a full one-cent sales tax which can be a long-term source of revenue for school, court, public safety and utility needs in our growing County."

**Commissioner Ikerd made a motion to table the original motion of building a wastewater treatment plant in the southeastern part of Catawba County, Sherrills Ford community, because of changes in the County's financial conditions.**

Chair Huffman said she concurred and the school needs are critical.

Commissioner Beatty said she believed many changes have occurred and the need for sewer in southeastern Catawba County will only continue to grow. She supports putting on hold the plans for the construction for the wastewater treatment plant and she wishes to continue discussions with other governmental units and seek more cost effective solutions and said she supports Commissioner Ikerd's motion.

Commissioner Barnes said she thinks it is appropriate at the present time to not build the wastewater treatment plant and not that the priorities change; but, the ability to meet the needs of the priority list

changed. Currently, with the growth in the student population, school needs rise to the top. She said the Public Health Department is working diligently to maintain safe, environmental circumstances for all of the homes. She proposes to seek some means of providing service in the future. She recommended the board continue to discuss with municipalities and adjoining counties the availability of any joint projects for this issue, and also water projects. Ms. Barnes said 1 cent has already been diverted from the budget this year from the water and sewer fund for emergency services.

Commissioner Hunsucker said he agrees with the motion.

**The motion carried unanimously.**

13. Adjournment.

At 9:15 p.m. there being no further business to come before the Board, Chair Huffman made a motion to adjourn. The motion carried unanimously.

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Marie H. Huffman  
Chair, Board of Commissioners

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Thelda B. Rhoney  
County Clerk